| | | |
|---|---|---|
| 12 | Night School, Anthikad | P. Madhava Menon. |
| 13 | Do. Puthenthode | K. T. Antony. |
| 14 | Do. Veliyanad | T. Achyuta Menon. |
| 15 | S. V. G. School, Chettupula | C. Gopalan Nayar |
| 16 | Aided Day School, Olarikkara | C. R. Devassi. |
| 17 | Night School, Olarikkara | C. R. Devassi. |

## Constructing Christian Chapels in the State.

**435. Mr. I. E. Ambooken.**—Will the Government be pleased to state whether Chapels or prayer rooms which are quite different from a church require the sanction of the Government before they are constructed under section 3 of Regulation I of 1062;

(2) is it not a fact that some of the Government officers took steps on several people for constructing chapels in some places for prosecuting them under the above Regulation?

(3) is it not a fact that the Government have passed orders in one of the case that chapels do not require sanction as churches under the above Regulation?

**Mr U. Kandar Menon.**—(1) They require sanction if they are intended for public or common religious worship.

(2) Yes, in one instance, for the construction of a building, without Government sanction, in Arnattukara Village.

(3) No. Government have only said that the building referred to in (2) above was not proved to have been used as a place of public worship though loosely called a chapel.

## Construction of a Chapel in Olarikkara.

**436. Mr. C. A. Kunjunni Raja**—Will the Government be pleased to state what are the final orders of the Government in the matter of the construction of the Chapel at Olarikkara referred to in question No. 118 of the Legislative Session of 1103;

(2) what was the opinion of the Government Advocate with regard to the maintainability of a prosecution in the matter of the construction of the said Chapel;

(3) what was the report of Mr. P. Damodara Menon while acting as Diwan Peishkar about this prosecution?

**Mr. T. M. Krishna Menon.**—(1) A copy of the Diwan's Proceedings, 81/R/1104 dated 31st October 1928 containing the final orders of the Government in the matter is appended. (*Vide Appendix X.*)

(2) The Government Advocate was of opinion that a prosecution can be successfully maintained against the parties concerned.

(3) Mr. Damodara Menon, while acting as Diwan Peishkar, expressed no definite opinion in the matter. He advised the Government to take the opinion of the Government Advocate.

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## APPENDIX IX.

*(Vide answer to Question No. 433).*

*Letter dated 25—5—27, C.No. 2699 of 102, from the Inspectress of Schools.*

"With reference to your Memo, dated 17th May 1927, P. 1105/1102, I have the honour to report that, as the di tance from the Olarikkara Temple to Chettupula Bridge is only 7 furlongs as per the Schedule of Distances, the distance from the Chettupula school to the proposed school will be about 5 furlongs.

In this connection, it may also be kindly noted that the starting of a school at Olarikkara will affect the strength equally of M.G. S. Aranattukara, M. G. S., Ayyanthole and St. Anne's P. G. S., West Fort besides other schools under other Inspecting Officers. The school at Elthuruth has already represented its grievances".

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## APPENDIX X.

*(Vide answer to Question No. 436).*

PROCEEDINGS OF THE DIWAN OF COCHIN.

Local and Miscellaneous Department.

*(Miscellaneous)*

READ Again (1) Diwan's Proceedings Dis. No. 56/R/103, dated 1st October 1927.

Also (2) Letter S. C. No. 434/02, dated 13th October 1927, from the Diwan Peishkar.

(3) Petition dated 4th Vrischigam 1103 from Eacharathu Kesavan Nayar and other Hindu inhabitants of Olarikkara, Ayyanthol, etc., villages of Trichur Taluk forwarded by their Vakil.

(4) Letter dated 12th October 1927 from the Bishop of Trichur.

And (5) Correspondence ending with the Sarvadhikariakar's communication A. No. 287/1104, dated 8th October 1928.

*Order dated 31st October 1928, Dis. 81/R/1104.*

In the Diwan's Proceedings read as first paper above, the prosecution of the parties concerned in the construction of the building in Survey No.302 of the Aranattukara Village was sanctioned. Accordingly orders were issued to the Diwan Peishkar and the Trichur Sirkar Vakil for proceeding with the prosecution. The Bishop of Trichur soon after represented that the building in question was not a place of public worship and that any legal steps taken in the matter would affect the feelings of the Christian community. Though a prosecution was ordered in the first instance, it appeared that the whole question required reconsideration in the light of fresh facts brought to the notice of the Government. The two contending parties were therefore given an opportunity to present their respective cases before the Government. Pending final settlement of the question, further proceedings connected with the prosecution were suspended.

Government have gone into the question in all its aspects. The main point arising for decision is whether the building was constructed for the purpose of being used as a place of public worship within the meaning of section 2 of Regulation I of 1062. Section 2 lays down.—

"From and after the aforesaid date (1st day of Mithunam 1062) no person shall erect, or attempt to erect any building for the purpose of public worship. or convert any existing building into a place of public worship, or utilise or enclose ground for the purpose of public burial, without obtaining the previous sanction of Our Government in writing, under the hand of

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Our Diwan". The explanation to the sect: which is important, says,—"A building consecrated or set apart for habitual use by a religious community or sect for purposes of common worship, is a place of public worship within the meaning of this section".

The matter was enquired into and investigated by the Revenue Department and, in forwarding the Tahsildar's report and the statements recorded by the Tahsildar from the parties in the course of the enquiry, the Diwan Peishkar expressed,—"These records may be forwarded to the Government Advocate and, if he is of opinion that they were sufficient to prove that the building is being used as a place of public worship, a prosecution may be launched against the authorities of the Aranattukara Eastern Church". The Government Advocate gave the following opinion.—

"The Tahsildar's report dated 19th Karkadagam 1102 and the statement taken by him place the matter beyond doubt. The chapel has been constructed by the church authorities. It is used by the public. Worship is being carried on there. What more is wanted to make the place a place of public worship, I am at a loss to know. In these circumstances, I am of opinion that a prosecution can be successfully launched against the parties concerned."

The three essential requirements for supporting a prosecution are (1) there must be actual worship in the place, (2) that such worship should be a public one, and (3) that there must be a consecration of the place for worship. There is no dispute in regard to the second issue, since it is admitted that if there is worship, it is of a public nature. The entire controversy turns upon the question as to whether religious worship, in the sense in which it should be understood, is being carried on in the place in question. The determination of the whole controversy hinges upon the decision of this point.

In approaching the consideration of this point, care must be taken that deceptive appearances do not blind one's judgment. What appear to be some of the elements of actual worship may not really be so. According to the version of the Tahsildar of Trichur, whose report has been relied on for establishing that the building is one for public worship, the ceremony conducted there is what is known in Malayalam as ഉഴിഞ്ഞ and its accompaniments are akin to മണികൊട്ടിപൂജ with പുഷ്പാഞ്ജലി of the Hindu temples. According to him, there is also lighting in the place, and, when the worship is going on, the worshippers do it with bended knees. Importance is also attached to the daily മണികൊട്ടൽ and lighting. The Tahsildar winds up:—"From what I saw and enquired, I have no doubt as to the public nature of the worship. Whether this will satisfy the requirements of law I am unable to state."

If the building in question corresponds to what is known as a chapel, there cannot be any doubt that it must be regarded as a place of public worship. It was originally thought that the building might really be a chapel and come under the category of 'Chapels of ease'. "These chapels are separate buildings, church in everything but name, built in remote portions of large parishes and so called because they are intended to ease the parish church and the parishioners living at a distance from it. Clergy appointed for the purpose served them as Vicars of the Parish priest". (Catholic Encyclopaedia Vol. iii, page 577). On examining the matter closely, Government are satisfied that the building in question is not a chapel at all. The term chapel and its Malayalam equivalent "കപ്പേള" are now used in a loose sense without taking care to see that such expressions can be used only with reference to places of religious worship. If the place is really one for worship, a

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parishioner is released from the obligation of attending divine service in the church by having service performed here. There is, as a matter of fact, no service performed here and enquiry shows that the parishioners are not released from their obligation of attending the main church for such service. Not only is there an entire absence of evidence to show that the place has been consecrated for worship, but there is also the statement of the Bishop of Trichur, the ecclesiastical head having jurisdiction over these places, in support of the contrary. What really takes place here is that a statue is being honoured, and to give protection to the statue from sun and rain, a building has been put up. Because the Hindus saw lighting, kneeling and praying, they mistook the place as one built for worship. The Vakil on behalf of the Hindu party mainly relied on two documents, the one referring to the purchase of the site for constructing a "Kurisu Palli" and the other to an invitation issued for "Venjirippu." As observed already, in a matter like this, one is not to be guided by popular nomenclature and it cannot but be admitted that neither the one nor the other will afford any clue to the matter. As regards "Venjirippu" it has been misunderstood to be a consecration.

In the course of the arguments, reference was made to a procession, conducted by the X'ians of the place and it was pointed out that, owing to the existence of a Hindu temple, close by, such processions, ought to be prohibited. Reference to processions, etc., are really clouding the issue and what has to be really determined is whether the place is one of worship. Any number of processions carried on in a place, which is in fact not a place for worship, does not constitute it as such. It was finally alleged on behalf of the Hindu party, that under the cover of the building, not being meant for public worship, actual worship might really be carried on at the place in future. This apprehension is unfounded, inasmuch as public worship can not be carried on in a building without the previous sanction of the Government being obtained as contemplated in the Regulation. The Government have also the assurance of the Bishop of Trichur that, unless such a sanction is obtained and produced before him, the consecration of the building as a place of worship will not be allowed. Nor will any new erection or use be permitted in the absence of such a sanction.

Having examined the matter in all its aspects, Government have come to the conclusion that, but for the misapprehension existing in the minds of the Hindu party, no complaint like the one would have been raised. Government are of opinion that the building is not erected or used as a place of worship and that there is consequently no ground for a prosecution. They therefore direct that the prosecution already ordered may be withdrawn and the whole matter dropped.

(True extract)

Signed.
Secretary to the Diwan.

To

The Diwan Peishkar.
" Government Advocate (Vide his C. 405/03.)
" District Magistrate.
" Commissioner of Police.
" Trichur Sirkar Vakil.
" Bishop of Trichur.
" Vakil Mr. K. Achyuta Menon.

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